

REMARKS

This is a Preliminary Amendment filed in connection with a Request for Continued Examination (RCE). This RCE is in response to the final Office Action dated June 23, 2008. With this response, claims 1 and 109 are amended and all pending claims 1-43, 45, 47-54, 56, 109 and 111-112 are presented for reconsideration and favorable action.

In the Office Action, at Section one, a support for a number of items in the pending claims was requested. Applicant notes that the battery test being a function of the measured battery parameter and battery rating as set forth at page 16, lines 24 through page 17, line 5 along with Figure 2. Similarly, the description of the starter test is described at page 17, line 6-29. (Additionally, the independent claims have been amended to describe the starter test as receiving a battery test result). Finally, operation of the charger system test is described at page 17, line 30 through page 19, line 4. It is believed that the objection of the claims may be withdrawn.

In the Office Action, the independent claims were rejected based upon Gollomp (US 6,424,157) in view of Roberts (US 6,570,385). In that section, the Examiner noted a particular definition for the word “function”. With this response, the independent claims have been amended to use alternative phrasing and it is believed that the rejection may be withdrawn. For example, the battery test now is described as a battery test which “receives a measured battery parameter in a battery rating and provides a battery test result” and the starter test, “receives a measured starter parameter and a result of the battery test”. It is believed that this is not shown by the cited references.

Additionally, the Office Action noted that an alternator test may be run in real time and, “will have the engine going through various RPM’s.” In the amended claims, the charger system test is described as being “based upon” the voltages at various RPM’s. In other words, having the engine operate at a “plurality of RPM value” is a component of the charging test.

Finally, in last portion of Section 6 of the Office Action, the Examiner refers to Applicant not addressing the, “three main tests” and recites Sections of the Gollomp references. Applicant does not dispute that techniques are known for testing a battery, testing a starter, or

testing a charging system. However, none of the testing techniques perform a starter test based upon a result of a battery test which is based upon a comparison of a measured battery parameter and a battery rating along with a charging system test which is based upon voltages of the vehicle measured with the engine of the vehicle operating at the plurality of RPM values and wherein the charging system test is based upon operation of the engine at a plurality of RPM values. There is no description in the reference that the test itself was based upon operation at a plurality of RPM values.

In view of the above amendments and remarks, reconsideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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